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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/292,552	04/15/1999	CHARLES L MAURO	9628006999	3736

21890 7590 05/21/2007
PROSKAUER ROSE LLP
PATENT DEPARTMENT
1585 BROADWAY
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EXAMINER

TINKLER, MURIEL S

ART UNIT	PAPER NUMBER
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3691

MAIL DATE	DELIVERY MODE
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05/21/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/292,552

Applicant(s)

MAURO ET AL.

Examiner

Muriel Tinkler

Art Unit

3691

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 91-133 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 91-133 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 7/21/2005.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This application has been reviewed. Claims 91-133 are pending. The rejection(s) are as follows.

Response to Amendment

1. The amendment filed November 21, 2006 is sufficient to overcome the rejection of claim 132 based upon 35 USC 112.
2. The amendment November 21, 2006 is insufficient to overcome the rejection of claim 91, 99 and 130 based upon 35 US 103 as set forth in the last Office action because: The Applicant adds to these claims, "wherein the computer executable instructions comprise code segments which cause the computing device to display the recited display elements." Minton discloses a computing device that displays the recited display elements in figure 4.

Response to Arguments

1. Applicant's arguments see pages 13-15, filed April 12, 2007, with respect to election/restriction requirement have been fully considered and are persuasive. The election/restriction requirement of February 12, 2008 has been withdrawn.
2. Applicant's arguments filed November 21, 2006 have been fully considered but they are not persuasive. The Applicant argues that none of the recited art discloses the particular arrangement of particular display elements recited in the independent claims.

The Examiner disagrees. The Office Action mailed on May 25, 2006 does disclose the information set forth in the independent claims, as presented. See pages 2-10 of Office Action mailed on May 25, 2006.

Claim Rejections - 35 USC § 112

The Applicant has amended Claim 132 to correct the problem(s) contributing to the 35 USC 112 rejection(s). The 35 USC 112 rejection(s) has been withdrawn.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 91, 92 and 97 are rejected under 35 U.S.C. 103(a) as being unpatentable over Minton (US 6,014,643), Fraser (US 5,905,974) and Beaudin et al. (5,050,933) in further view of Silverman et al. (US 5,136,501). See Office Action mailed on May 25, 2006, pages 3-5.

6. Claims 93-96 and 98 are rejected under 35 U.S.C. 103(a) as being unpatentable over Minton, Fraser, Beaudin et al. and Silverman et al. as applied to claim 91 above

and in further view of Dinwoodie (US 6,415,269). See Office Action mailed on May 25, 2006, pages 5-6.

7. Claims 99-119 and 121-130 are rejected under 35 U.S.C. 103(a) as being unpatentable over Minton, Fraser and in further view of Beaudin et al. See Office Action mailed on May 25, 2006, pages 6-9.

8. Claims 120 and 131-133 are rejected under 35 U.S.C. 103(a) as being unpatentable over Minton, Fraser, Beaudin et al., Silverman et al and Dinwoodie et al. as applied to claims 93-96 and 98 above and in further view of Kane (US 6,317,728). See Office Action mailed on May 25, 2006, pages 9-10.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Muriel Tinkler whose telephone number is (571)272-7976. The examiner can normally be reached on Monday through Friday from 7:30 AM until 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571)272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3691

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MT
May 11, 2007



HANI M. KAZIMI
PRIMARY EXAMINER